

REMARKS

This Response is submitted in furtherance to the Response to Office Action filed on January 2, 2009 ("Prior Response") and in reply to the Notice of Non-Compliant Amendment dated April 16, 2009 and the Office Action dated October 2, 2008. Applicant has amended Claims 1, 6, 7, 15, 17, 18, 22, 26, 27, 40, 44, 48 and 54. Claims 19, 24, 28 to 30 and 55 remain canceled. Applicant has maintained the status identifiers from the Prior Response. Applicant has made no claim amendments other than the claim amendments set forth in the Prior Response. The Commissioner is hereby authorized to charge deposit account 02-1818 for all fees which are due and owing in connection with this Response.

I. Notice of Non-Compliant Amendment

The Notice of Non-Compliant Amendment asserted that the Prior Response contained a serious omission, citing to MPEP §714.03, for failing to properly provide citations where newly claimed features are taught within the originally filed specification. Though the Notice of Non-Compliant Amendment recognized that "the cited reply alleges that prior art fails to teach particular steps/functions regarding [multiple] consecutive wagers in [a] generalized manner," the Notice of Non-Compliant Amendment additionally asserted that the Prior Response contained another serious omission for failing to specifically address U.S. Published Patent Application No. 2001/0028147 to Orenstein ("Orenstein '147").

Applicant respectfully disagrees with such assertions.

A. The Response to Office Action filed on January 2, 2009 properly provided citations where newly claimed features are supported or taught within the originally filed specification.

The Prior Response specifically addressed where support or teachings for the claim amendments could be found in the originally filed specification. See the first paragraph of page 25 of the Prior Response. Nonetheless, to advance prosecution of this application, Applicant has provided additional citations to certain parts of the published patent application (in addition to the corresponding page and line number

from the original specification) which support the claim amendments. At least Figures 8A to 8G along with paragraph [0014] (which corresponds to page 3, lines 21-22), paragraph [0015] (which corresponds to page 3, line 23 to page 4, line 2), paragraph [0018] (which corresponds to page 4, lines 20-25), paragraph [0020] (which corresponds to page 5, lines 3-7), paragraph [0042] (which corresponds to page 7, lines 23-29), and paragraphs [0059] to [0061] (which correspond to page 12, line 28 to page 13, line 22) of Applicant's specification provide examples of support for the amendments to independent Claims 1, 18, 22, 38, 39 and 54. No new matter has been added by such amendments.

B. The Prior Response was fully responsive under MPEP §714.02.

MPEP §714.02 states "[i]n amending in reply to a rejection of claims in an application or patent under reexamination, the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. The applicant or patent owner must also show how the amendments avoid such references or objections."

The Prior Response emphasized certain elements, among others, of independent Claims 1, 18, 22, 38, 39 and 54 (see pages 25-28). Thus, in accordance with MPEP §714.02, the Prior Response clearly pointed out the patentable novelty of the claims present in view of the state of the art disclosed by the cited prior art references. Further, in accordance with MPEP §714.02, page 28 of the Prior Response shows how the amendments avoid such references. Specifically, page 28 of the Prior Response stated "neither Orenstein '574, Orenstein '885, Forte, Feinberg, nor Orenstein '147, whether considered alone or in combination, anticipate or render obvious the foregoing emphasized elements among others." For at least the above reasons, Applicant respectfully submits that the Prior Response was fully responsive to the Office Action dated October 2, 2008. Nonetheless, to advance prosecution of this application, Applicant has presented additional arguments regarding Orenstein '147 below.

II. Claim Amendments

Amended independent Claim 1 recites a method including the following elements, among others: "(b) displaying a first streak area associated with the streak game, the first streak area having a first quantity of advancement levels associated with a first streak condition; (c) indicating a first opportunity for a player to place a plurality of first streak wagers associated with the first streak condition; (d) displaying a second streak area associated with the streak game, the second streak area having a second quantity of advancement levels associated with a second, different streak condition; (e) indicating a second opportunity for said player to place a plurality of second streak wagers associated with the second, different, streak condition. . . (i) simultaneously tracking whether the first and second streak conditions are satisfied for said player. . . and (y) for a second one of the first streak wagers, the tracking including: (1) while displaying the first symbol at the second one of the advancement levels of the first streak area, displaying a third symbol associated with the second one of the first streak wagers at the first one of the advancement levels of the first streak area in response to the first one of the consecutive rounds resulting in the first outcome which satisfies the first streak condition, and (z) for a second one of the second streak wagers, the tracking including: (1) while displaying the second symbol at the second one of the advancement levels of the second streak area, displaying a fourth symbol associated with the second one of the second streak wagers at the first one of the advancement levels of the second streak area in response to the first one of the consecutive rounds resulting in the second outcome which satisfies the second, different streak condition" (emphasis added).

Amended independent Claim 18 recites a method including, among other elements: "in response to one of the plurality of first outcomes occurring for the first play of the base game, providing the first player with an opportunity to place another one of the side wagers associated with the first streak condition while the first one of the side wagers associated with the first streak condition is active" (emphasis added).

Amended independent Claim 22 recites an apparatus including, among other elements: "in response to one of the plurality of first outcomes occurring for the first play of the base game, provide the first player with an opportunity to place another one of the

side wagers associated with the first streak condition while the first one of the side wagers associated with the first streak condition is active" (emphasis added).

Amended independent Claim 38 recites an apparatus that includes the following elements, among others: "(a) display a game image associated with a game operable upon at least one wager, the game image including a first streak area having a first quantity of advancement levels and a second streak area having a second quantity of advancement levels, (b) for a player of the game: (i) indicate an opportunity for the player to place a plurality of first streak wagers associated with the first streak area, (ii) indicate an opportunity for the player to place a plurality of second streak wagers associated with the second streak area, (c) simultaneously track any occurrences of: (i) any first streak outcomes achieved by the player during a plurality of consecutive plays of the game resulting from the first streak wagers placed by said player, and (ii) any second streak outcomes achieved by the player during a plurality of consecutive plays of the game resulting from the second streak wagers placed by said player, and (d) display at least one additional image which indicates: (i) a first occurrence of one of the first streak outcomes achieved by said player during a plurality of consecutive plays of the game at a first one of the advancement levels of the first streak area associated with a first one of the first streak wagers, (ii) a second occurrence of one of the first streak outcomes achieved by said player during the plurality of consecutive plays of the game at a second one of the advancement levels of the first streak area associated with a second one of the first streak wagers, (iii) a first occurrence of one of the second streak outcomes achieved by said player during the plurality of consecutive plays of the game at a first one of the advancement levels of the second streak area associated with a first one of the second streak wagers, and (iv) a second occurrence of one of the second streak outcomes achieved by said player during the plurality of consecutive plays of the game at a second one of the advancement levels of the second streak area associated with a second one of the first streak wagers" (emphasis added).

Amended independent Claim 39 recites a computer program storage device that includes the following elements, among others: "(i) provide an opportunity for the player to place an additional streak wager on the first streak round; (ii) for the first streak wager and the additional streak wager, separately track how many of the received consecutive

outcomes are identical to the selected type of outcomes for each main round for the first streak round; and (iii) for the second streak wager, track how many of the received consecutive outcomes are identical to the selected type of outcome for each main round for the second streak round, where the first streak round is tracked separately from the second streak round" (emphasis added).

Amended independent Claim 54 recites a computer program storage device that includes the following elements, among others: "(j) provide said player an opportunity to place an additional streak wager associated with the first streak round; (x) in response to the additional streak wager being received: (1) while the representation of the first streak wager is displayed at another position on the first path, display a representation of the third streak wager at the first position on the first path; (2) display the representation of the third streak wager at another position on the first path in response to the generated outcome satisfying the first streak condition associated with the first streak round" (emphasis added).

III. Claim Rejections

The Office Action rejected Claims 1-13, 15-18, 20-23, 25-27, 38-51, 53-54, 56-65 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Nos. 5,788,574 to Orenstein ("Orenstein '574") or 5,570,885 to Orenstein ("Orenstein '885"). Applicant disagrees with and traverses this rejection.

The Office Action stated that:

the Office Action agrees that claims include a form for [only, neither argued or claimed] a single player to place multiple consecutive simultaneous wagers that is not taught by the references [Orenstein ('885 or '574)].

Additionally, according to the Office Action, Orenstein '574 or '885 discloses a system that includes "receiving first and second (and third) streak wager on first and second (and third) streak round . . . ," and "where first, second and third wager/streak are representative of first, second and third players wagers which can be simultaneous during main rounds of play since players may place proposition [such as streak wager] bets prior to start of any game or first, second and third wager/streak are representative of a wager from a single player at differing subsequent [not simultaneous] rounds of

play.” However, in Orenstein ‘574 or ‘885, the player bets only one side bet at a time for a single primary game. For multiple players, each player bets only one side bet at a time for the single primary game. Thus, unlike the foregoing emphasized elements among others of amended independent Claims 1, 18, 22, 38, 39 or 54, neither Orenstein ‘574 nor Orenstein ‘885 anticipates or renders obvious multiple streak rounds with opportunities for a single player to provide first and second wagers.

At least for the above reasons, Applicant respectfully submits that neither Orenstein ‘885 nor Orenstein ‘574 anticipates or render obvious the foregoing emphasized elements among others of amended independent Claims 1, 18, 22, 38, 39 or 54. Accordingly, Applicant submits that amended independent Claims 1, 18, 22, 38, 39 or 54 (and their respective dependent claims) are patentably distinguished over Orenstein ‘885 and Orenstein ‘574 and in condition for allowance.

The Office Action rejected Claims 1-4, 6-10, 12-13, 15-18, 20-23, 25-27, 31-33, 37-42, 44-48, 50-51, 53-54, and 56-65 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,586,766 to Forte (“Forte”). Applicant disagrees with and traverses this rejection.

The Office Action stated that:

the Office Action agrees that claims include a form for [only, neither argued or claimed] a single player to place multiple consecutive simultaneous wagers that is not taught by the references [Forte].

According to the Office Action, Forte discloses “receiving first and second (and third) streak wager[s] on first and second (and third) streak round[s].” Applicant respectfully disagrees that Forte discloses receiving a first streak wager on a first streak round from a player and a second streak wager on a second streak round from the same player. Forte is directed to a card game system having player counters which count or tally events for betting. For example, Forte discloses status displays which are connected to display player jackpot count values that correspond to the number of consecutive natural hands of blackjack dealt to the players. Thus, unlike the foregoing emphasized elements among others of amended independent Claims 1, 18, 22, 38, 39 or 54, Forte does not anticipate or render obvious multiple streak rounds with

opportunities for a single player to provide first and second wagers on the same streak round.

At least for the above reasons, Applicant respectfully submits that Forte does not anticipate or render obvious the foregoing emphasized elements among others of amended independent Claims 1, 18, 22, 38, 39 or 54. Accordingly, Applicant submits that amended independent Claims 1, 18, 22, 38, 39 or 54 (and their respective dependent claims) are patentably distinguished over Forte and in condition for allowance.

The Office Action rejected Claims 1-13, 15-18, 20-23, 25-27, 31-32, 34-35, 37-51, 53-54, and 56-65 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,851,010 to Feinberg ("Feinberg"). Applicant disagrees with and traverses this rejection.

The Office Action stated that:

the Office Action agrees that claims include a form for [only, neither argued or claimed] a single player to place multiple consecutive simultaneous wagers that is not taught by the references [Feinberg].

According to the Office Action, Feinberg discloses "receiving first and second (and third) streak wager[s] on first and second (and third) streak round[s]." Applicant respectfully disagrees that Feinberg discloses receiving a first streak wager on a first streak round from a player and a second streak wager on a second streak round from the same player. Feinberg is directed to a method of playing a game in which the player selects one of first and second outcomes for each gaming decision as a side bet. In Feinberg, the player wagers on only one outcome. For example, Feinberg discloses a blackjack game in which the first and second cards dealt to the player can be used as an outcome for gaming decisions. The player selects red or black for each gaming decision as a side bet (Feinberg, Column 5, Lines 29-35). Thus, unlike the foregoing emphasized elements among others of amended independent Claims 1, 18, 22, 38, 39 or 54, Feinberg does not anticipate or render obvious multiple streak rounds with opportunities for a single player to make first and second wagers.

At least for the above reasons, Applicant respectfully submits that Feinberg does not anticipate or render obvious the foregoing emphasized elements among others of amended independent Claims 1, 18, 22, 38, 39 or 54. Accordingly, Applicant submits that amended independent Claims 1, 18, 22, 38, 39 or 54 (and their respective dependent claims) are patentably distinguished over Feinberg and in condition for allowance.

The Office Action rejected Claims 1-13, 15-18, 20-23, 25-27, 31-32, 37-51, 53-54, and 56-65 under 35 U.S.C. § 102(e) as being anticipated by Orenstein '147". Applicant disagrees with and traverses this rejection.

The Office Action stated that:

the Office Action agrees that claims include a form for [only, neither argued or claimed] a single player to place multiple consecutive simultaneous wagers that is not taught by the references [Orenstein ('147)].

According to the Office Action, Orenstein '147 discloses multiple play wagering for "a single player to place multiple simultaneous consecutive streak wagers that [are] tracked manually with lamers/chips on paths. . . for any number of consecutive streak wagers placed on any round of play." In Orenstein '147, the player bets only one side bet for a streak of consecutive wins or losses in a single primary game. That is, if one player places separate bets on multiple streaks, the player could bet only one side bet for each streak. Thus, unlike the foregoing emphasized elements among others of amended independent Claims 1, 18, 22, 38, 39 or 54, Orenstein '147 does not anticipate or render obvious multiple streak rounds with opportunities for a single player to make first and second wagers.

At least for the above reasons, Applicant respectfully submits that Orenstein '147 does not anticipate or render obvious the foregoing emphasized elements among others of amended independent Claims 1, 18, 22, 38, 39 or 54. Accordingly, Applicant submits that amended independent Claims 1, 18, 22, 38, 39 or 54 (and their respective dependent claims) are patentably distinguished over Orenstein '147 and in condition for allowance.

The Office Action rejected dependent Claims 14, 34-36 and 52 under 35 U.S.C. § 103(a) as being unpatentable over Feinberg and Orenstein '147. Applicant disagrees with and traverses this rejection.

Dependent Claims 14, 34-36 and 52 depend from one of the amended independent Claims 1, 22 or 39 and are also allowable for the reasons given above with respect to amended independent Claims 1, 22 and 39 and because of the additional features recited in these claims.

At least for the above reasons, Applicant submits that all of the claims are in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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BY  _____

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